

VANDEKERCKHOVE et al.
Appl. No. 10/527,662
Atty. Ref.: 4465-6
Amendment
February 22, 2008

AMENDMENTS TO THE DRAWINGS

Insert the attached 11 Replacement Sheets of drawings in place of the originally-filed 3 sheets of drawings. Eleven (11) Annotated Sheets are attached showing the additional new sheets 4-11 which include diagrams from the specification as required by the Examiner. No new matter has been added.

REMARKS

Reconsideration is requested.

Claims 8-12 have been canceled, without prejudice. Claims 1-7 have been amended, without prejudice, to advance prosecution. Support for the amendments may be found throughout the specification. No new matter has been added.

The revised claims are similar to the granted claims obtained during the recent EU prosecution (granted EU patent EP1537421B1).

Basis for the revisions to claim 1 are believed to exist in the unamended specification at, for example, page 8, line 12-14 and page 8, line 32-33, page 12, line 2, page 34, line 23, page 36, line 1 and Table 1, page 10, lines 5-7, and page 9, line 22. No new matter has been added.

The specification has been amended, without prejudice, to delete the diagrams of the specification text and add the same as new Figures 4-11. A substitute specification and Replacement Sheets of drawings are attached along with a marked-up copy of the substitute specification and Annotated Sheets of drawings showing the changes. No new matter has been added. The specification has been revised to include the sequence identifiers noted by the Examiner and to include a listing of the new drawings in the Brief Description of the Drawings. The specification has been revised to delete the browser executable hypertext noted by the Examiner. The specification has not been revised to include a heading for a Brief Description of the Invention as the same is merely suggested by the cited MPEP § 608.01(a) and not believed to be required by the Law, Rules or MPEP. The Examiner is requested to specifically indicate where the

same may be required by the Law, Rules or MPEP in the event the specification is again rejected or objected to for the lack of same.

Withdrawal of the objections to the specification is requested. The Examiner is requested to advise the undersigned in the event anything further is required in this regard.

The specification is believed to be in compliance with the Sequence Listing Rules. As noted above, the specification has been revised to include sequence identifiers of the Sequence Listing for those sequences noted by the Examiner. Withdrawal of the objection to the specification relating to Sequence Listing compliance is requested.

The objection to claim 8 stated on pages 5-6 of the Office Action dated October 22, 2007 is moot in view of the above amendments. The objection to claim 1 stated in the same section is believed to be obviated by the above amendments. Withdrawal of the objection is requested.

The Section 112, second paragraph, rejection of claims 1-8 is believed to be obviated by the above amendments. The claims are submitted to be definite. Withdrawal of the rejection is requested.

To the extent not obviated by the above amendments, the Section 102 rejection of claims 1, 2 and 6 over Cruickshank (Canadian Journal of Biochemistry (1974) 52, 1013-17), and the Section 103 rejection of claims 3-5 over Cruickshank are traversed. Reconsideration and withdrawal of the rejections are requested as the applicants believe that the cited art fails to teach or suggest, for example, step (b) of claim 1

relating to separating into multiple fractions via chromatography. Since Cruickshank does not disclose all the technical features of claim 1, that applicants submit that the cited art fails to anticipate the claims. Withdrawal of the Section 102 rejection of claims 1, 2 and 6 over Cruickshank is requested.

To the extent not obviated by the above amendments, the Section 102 rejection of claims 1-3 and 5 over Creighton ("Proteins: Structures and Molecular Properties" Second Edition, W.H. Freeman and Company, New York, 1993, page 41), is traversed. Reconsideration and withdrawal of the rejection are requested as the applicants believe that the cited art fails to teach or suggest, for example, step (b) of the claims 1, 2 and 4 relating to separating into multiple fractions via chromatography. Withdrawal of the Section 102 rejection is requested.

To the extent not obviated by the above amendments, the Section 103 rejection of claims 3-5 and 7-8 over Cruickshank in view of Aebersold (U.S. Patent No. 6,670,194) and Johansson (U.S. Patent No. 6,716,589), and the Section 103 rejection of claims 3-4 and 6-8 over Creighton and Aebersold, are traversed. Reconsideration and withdrawal of the rejections are requested in view of the above and the following distinguishing comments.

The applicants submit that Cruickshank cannot be taken as closest prior art for the reasons described above. The combination of the cited secondary references are not believed to cure the deficiencies of the primary reference noted above. With respect to claim 4 and the Examiner's comments relating to the same, the applicants believe one of ordinary skill in the art would not have combined Aebershold and Cruickshank to

have made the claimed invention. Cruickshank is understood by the applicants to work with one protein and Aebershold is understood by the applicants to work with many proteins (i.e. a complex mixture) but the latter reference does not use two identical (or very similar) chromatographic steps but instead an affinity chromatographic step (meaning that the Aebershold reference cannot be taken as closest prior art).

The claimed invention involves step (b) of claim 1, for example, wherein the complex mixture of molecules and compound-target molecule complexes is separated into fractions. This technical feature made it possible to isolate specific target molecules of a compound out of a complex mixture of molecules. The applicants believe that one of ordinary skill in the art will understand that operation of the method of the present claim 1 unexpectedly worked with a complex mixture of molecules, precisely by fractionating the complex compound mixture in the first chromatographic step.

The claims are submitted to be patentable over the cited combinations of art and withdrawal of the Section 103 rejections is requested.

The claims are submitted to be in condition for allowance and a Notice to that effect is requested. The Examiner is requested to contact the undersigned in the event anything further is required in this regard.

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Respectfully submitted,

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